

Court No. - 7

Case :- MATTERS UNDER ARTICLE 227 No. - 6253 of 2024

Petitioner :- Life Insurance Corporation Of India Thru. Administrative Officer Lko.

Respondent :- Km. Venus Chaudhary (Minor) Thru. Her Father Sri Kamla Pati Chaudhary

Counsel for Petitioner :- Varun Kant

Hon'ble Pankaj Bhatia,J.

1. Heard learned Counsel for the petitioner.

2. The present petition has been filed challenging the order dated 30.09.2024 whereby, the first appeal preferred by the petitioner has been dismissed as well as the order dated 16.10.2018 and the order dated 28.05.2019 whereby, the State Consumers Disputes Redressal Commission, Lucknow had decided the issue against the petitioner.

3. The contention of the Counsel for the petitioner is that while filling the proposal form, it was disclosed that the beneficiary was not consulting a medical practitioner for any ailment requiring treatment for more than a week. It was also stated that she had disclosed that she had not taken any policy earlier. Both the things were considered by the Tribunals wherein it was recorded that no affidavit in the form of the doctor certificate has been filed as an evidence

4. A perusal of the said, opinion of the doctor, do not demonstrate that the beneficiary was suffering from any ailment requiring treatment for more than a week. Both the medical certificates, do not demonstrate that the treatment went on for more than a week. As regard non-disclosure of the policy taken earlier, the Tribunal has stated that both the policies were taken out on the same date. The Tribunal has also recorded that the cause of death is of heart failure.

5. Considering the fact that both the tribunals had passed order after considering the evidence on record and the scope of Article 227 is to see the error in the decision making process and cannot act as an appellate court to re-appreciate the evidence against the said orders.

6. In view of above, I do not see any reason to interfere with the orders impugned. The writ petition is ***dismissed***.

Order Date :- 19.12.2024

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